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Date July 18, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM QUIKTRIP CORP. (OWNER), REPRESENTED BY JASON ACORD (OFFICER) FOR PROPERTY LOCATED IN THE VICINITY OF 1200 KEOSAUQUA WAY TO REZONE THE PROPERTY FROM “MX2” MIXED-USE DISTRICT AND “MX3” MIXED USE DISTRICT TO “DXR” DOWNTOWN DISTRICT, TO ALLOW DEVELOPMENT OF TOWNHOMES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from QuikTrip Corp. (owner), represented by Jason Acord (officer), to rezone the property from “MX2” mixed-use district and “MX3” mixed use district to “DXR” downtown district, to allow development of townhomes and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, on June 27, 2022, by Roll Call No. 22-0996, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on July 18, 2022, at 5:00 P.M., in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at in the vicinity of 1200 Keosauqua Way, and legally described as follows:

Lot 6, except those parts conveyed to the City of Des Moines, Iowa by Quit Claim Deed recorded in Book 10801, Page 439, and Special Warranty Deed recorded in Book 16273, Page 696 in Oakridge Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and Lot 5 in Oakridge Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part deeded to the City of Des Moines by Warranty Deed filed August 31, 2004 in Book 10712, Page 157.

And

A parcel of land being a part of the City of Des Moines vacated public right-of-way adjacent to Lot 6 of Oakridge Plat 3, an Official Plat, included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as follows:

Date July 18, 2022

Commencing at the southwest corner of said Lot 6; thence along the south line of said Lot 6 S89°32'59"E, 65.51 feet to the point of beginning; thence continuing S89°32'59"E, 60.57 feet; thence 66.24 feet along a 49.00 foot radius curve, concave northwest, chord bearing N51°45'43"E, 61.31 feet; thence N13°06'34"E, 28.31 feet to the southeasterly line of said Lot 6; thence along said southeasterly line S45°07'54"W, 67.57 feet; thence along said southeasterly line S75°31'00"W, 69.46 feet to the point of beginning.

All together containing 1.61 acres, more or less.

From "MX2" mixed-use district and "MX3" mixed use district to "DXR" downtown district.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to mixed use district to "DXR" downtown district, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Lisa A. Wieland
 Lisa A. Wieland
 Assistant City Attorney

(ZONG-2022-000055)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, LAURA BAUMGARTNER, Acting City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ Acting City Clerk

June 22, 2022

Communication from the City Plan and Zoning Commission advising that at their June 16, 2022 meeting, the following action was taken regarding a request from QuikTrip Corp. (owner), represented by Jason Acord (officer) to rezone property located in the vicinity of 1200 Keosauqua Way from “MX2” Mixed-Use District and “MX3” Mixed-Use District to “DXR” Downtown District, to allow development of townhomes.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page				X
Andrew Lorentzen			X	
Emily Webb	X			

APPROVAL of Part A) The requested “DXR” District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to rezone the property from “MX2” Mixed-Use District and “MX3” Mixed-Use District to “DXR” Downtown District, to allow development of townhomes.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “DXR” District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of the request to rezone the property from “MX2” Mixed-Use District and “MX3” Mixed-Use District to “DXR” Downtown District, to allow development of townhomes.

Written Responses

3 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “DXR” Downtown District, which would allow the redevelopment of the site with townhomes. A submitted conceptual site sketch indicates 6 buildings containing approximately 4 to 8 units (totaling 38 townhomes) would be constructed.

Any future construction or redevelopment of the subject property must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 1.56 acres (67,953 square feet).
3. **Existing Zoning (site):** “MX2” Mixed Use District and “MX3” Mixed Use District.
4. **Existing Land Use (site):** Vacant lot and one-story unoccupied building.
5. **Adjacent Land Use and Zoning:**
 - North** – “MX2”; Uses are Git-n-Go convenience store, vacant commercial building, and Keosauqua Way right-of-way.
 - South** – “RX2”; Uses are the Iowa Methodist Medical Center complex.
 - East** – “MX2” and “DX2”; Uses are vacant commercial building, bank, office building, and Keosauqua Way and 12th Street intersection right-of-way.
 - West** – “MX2”; Uses are Git-n-Go convenience store and multi-family apartment complex.
6. **General Neighborhood/Area Land Uses:** The subject property is an irregular shaped parcel located on the southwest corner of the intersection of Keosauqua Way, 12th Street and Center Street. The area consists of a mix of various commercial and office uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a designated Neighborhood Association but is located within 250 feet of the Downtown

Des Moines Neighborhood Association. All recognized neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on May 27, 2022 and by mailing of the Final Agenda on June 10, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 27, 2022 (20 days prior to the public hearing) and June 6, 2022 (10 days prior to the public hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Downtown Des Moines Neighborhood mailings were sent to Brandon Brown, 120 SW 5th Street, Unit 101, Des Moines, IA 50309.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Downtown Mixed Use.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM: Creating Our Tomorrow: The property is designated as “Downtown Mixed Use”. Plan DSM describes this designation as follows:

Downtown Mixed Use: Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.

The subject property is currently predominantly zoned “MX2” District, but the southeast corner of the site is zoned “MX3” District. The Zoning Ordinance describes “MX2” district as “intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking. The Zoning Ordinance describes “MX3” district as “intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale”.

The applicant is proposing to rezone the area to the “DXR” District. The Zoning Ordinance describes this district as “intended for the mainly residential neighborhoods of the downtown, surrounding the downtown, and across the rivers from downtown”.

Staff believes the proposed rezoning is appropriate as the subject property is located in an area surrounding downtown where mixed use, higher density residential, and other compact pedestrian-oriented uses are suitable and compatible uses.

2. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
3. **Utilities:** Public stormwater and sanitary sewers are available along all three property frontages, including Keosauqua Way, 12th Street, and Center Street.
4. **Urban Design:** The applicant is proposing to rezone from “MX2” and “MX3” Districts to “DXR” Downtown District to allow redevelopment of the site with rowhouses. The submitted conceptual sketch shows 6 buildings on the site with each building consisting of 4 to 8 units. The sketch demonstrates that the rowhomes would be outward facing with frontages along the three (3) streets, with internal parking and drive aisles for vehicular access.

Staff notes that the Planning and Design Section 135-2.12 requirements for Row Building Type restricts rowhomes in the “DXR” District between 2.5 and 4 stories, with a story height between 9 and 14 feet.

Staff believes that the subject site would be an appropriate location for rowhouse development given the proximity to downtown and the location along a high-capacity corridor.

5. **Traffic/Street System:** The submitted conceptual sketch shows 6 buildings on the site which are outward facing with frontages along the three (3) streets, with internal vehicular access, parking, and drive aisles. The concept sketch indicates a full movement access into the site from Center Street and up to two (2) parking stalls per unit. The single drive aisle loops around the entire site providing vehicular access to all the units.

Staff notes that all driveway approach should be located at least 60 feet from the end of the intersection radius. Additionally, sidewalk is required along all street frontages and any new sidewalks should be 6 feet wide.

The subject property is located along Keosauqua Way, which is currently served by several DART bus routes. A bus stop is located in the right-of-way along Keosauqua Way at the intersection with 12th Street.

A traffic impact study (TIS) was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

Finally, Staff would like to note that there is a potential opportunity to request vacation of portions of the right-of-way fronting the subject property since the City’s Traffic and

Transportation Division has indicated that the southbound slip-lane from 12th Street to Center Street can be eliminated.

- 6. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper asked what threshold was used to identify that a traffic study wasn't needed and how did the site perform relative to that threshold.

Sreyoshi Chakraborty stated she does not know the specific daily trip generation number that is used but the City's Traffic and Transportation Division did indicate that a traffic study was not required.

Chris Draper asked if 36 units would not make enough of an impact to require a traffic study.

Sreyoshi Chakraborty stated correct, it's not meeting the threshold for a full traffic study.

Jason Van Essen stated those triggers are based off trip generation, this number of units is not high enough to generate a full traffic study. The site layout including driveway locations will be reviewed during the site plan process, what has been shown tonight is only conceptual.

Abby Chungath asked if staff isn't issuing any opinions about number of units or location of them.

Sreyoshi Chakraborty stated correct, this is just a concept and through the site plan review process this concept could change.

Jason Van Essen stated there has been no analysis of Chapter 135 against the architecture, number of units or design alternatives they might be needed by this concept, this is purely about zoning tonight.

Johnny Alcivar asked if the city will potentially sale the excess right-of-way at the southeast corner of the site to the developer.

Sreyoshi Chakraborty stated the Traffic and Transportation Division did advise their long-term goal is to get rid of the south bound slip lane so that would be an option.

Doug Saltsgaver, Engineering Resource Group, 2413 Grand Avenue stated the potential vacation of the right-of-way to the south was brought to their attention but due to all the utilities running through there, they have no desire to purchase it at this time.

CHAIRPERSON OPENED THE PUBLIC HEARING

Ted Oswald, 1001 Bonnars Drive stated he is the owner of the properties located at 1221 and 1223 Center Street which is just west of this location. Overall, he is not opposed to this rezoning but does have concerns with the conceptual plan showing the building 5-feet away from his property line and the lack of parking.

Carol Maher, 701 Polk Blvd stated she had discussion with the Traffic and Transportation Division about there being no greenspace between this site and Keo Way. She was informed a sidewalk would need to be constructed and street trees would also be required. She would strongly encourage the applicant to vacate the slip lane to the south as it makes for a very dangerous intersection and could be a good opportunity for additional greenspace. She hopes the applicant will provide charging stations for residents and bike racks. She asked if these units would be owner-occupied or rental units and would they be considered affordable.

Mike Duncan, owner of the property, 215 East 3rd Street, Suite 200 stated these will be residential apartments for rent, all units will have a 2-car garage with 2 parking spaces in front, they will follow the city's requirements along Keo Way and are considering charging stations within the garage of some units. This concept will be similar to the City View development on Keo Way.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chris Draper asked if the commission is only charged with rezoning the property so the option for a multifamily development is there.

Jason Van Essen stated yes, the commission is considering a rezoning tonight. The layout, number of units, design and access is not a part of tonight's discussion.

COMMISSION ACTION:

Chris Draper made a motion for:

Part A) The requested "DXR" District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to rezone the property from "MX2" Mixed-Use District and "MX3" Mixed-Use District to "DXR" Downtown District, to allow development of townhomes.

Motion passed: 12-0

Respectfully submitted,

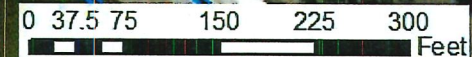


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 5/27/2022



City of Des Moines, Information Technology

1 inch = 146 feet

